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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,508	10/17/2001	David Thompson	BRDC:037	7213

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EXAMINER

LIN, KENNY S

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 01/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/982,508	THOMPSON ET AL.	
	Examiner	Art Unit	
	Kenny Lin	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 6, 8, 9 and 11-16 is/are pending in the application.
- 4a) Of the above claim(s) 13 and 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6, 8, 9, 11, 12, 15 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 13-14 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-3, 5-6, 8-9 and 11-16 are presented for examination. Claims 4, 7 and 10 are canceled.

Priority

2. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. [1] as follows:

The later-filed application must be an application for a patent for an invention which is also disclosed in the prior application (the parent or original nonprovisional application or provisional application). The disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

The disclosure of the prior-filed application, Applications No. 60/177,328 and No. 60/180,649, fail to provide adequate support or enablement in the manner provided by the first paragraph of 35 U.S.C. 112 for one or more claims of this application. These applications do not disclose the matter of an interface communicatively connected to the e-mail server and the client device, wherein the interface optimizes wireless channel communications between the e-mail server and the client device in communication of an e-mail message, by reducing a number of receipt acknowledgement communications between the e-mail server and the client device over the wireless channel, and yet receipt is assured of the entirety of the e-mail message so

Art Unit: 2154

communicated. Therefore, these claim language do not receive the benefit of prior invention date of January 21, 2000 or February 7, 2000.

Election/Restrictions

3. Newly submitted amended claims 13-14 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The amendment causes the claims to introduce new scope and contain separate utilities not claimed in the other groups of claims such as “serving only select portions of an entire information data, receiving the selected portions by the client; and assessing the select portions to determine if at least certain other portions of the entire information data are to be communicated over the wireless communications channel”.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 13-14 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 8-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 2154

- a. The following terms render the claims indefinite:
 - i. Claim 8 – substantially all of.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claim 11 is rejected under 35 U.S.C. 102(e) as being anticipated by Frame, US 6,982,702.

8. As per claim 11, Frame taught the invention as claimed including a wireless communication network, comprising:

- a. A client (figs.1 and 3; 14);
- b. An interface communicatively connected to the server and communicatively connected to the client (fig.3; 76), comprising:
 - i. A wireless data receiver (fig.3; 64);
 - ii. A wireless data transmitter (fig.3; 62);

- iii. A data limiter (fig.3; 70), connected to the wireless data receiver and the wireless data transmitter, for reducing bandwidth required for wireless communications between the server and the client (col.7, lines 10-26).

9. Claims 15-16 are rejected under 35 U.S.C. 102(e) as being anticipated by McCormick et al (McCormick), US 6,421,709.

10. As per claim 15, McCormick taught the invention as claimed including a method of limiting bandwidth usage in wireless communications, comprising the step of:

- a. Discriminating select data from among an aggregate of data to be communicated (col.2, lines 50-60, col.4, lines 17-27, 30-32, col.6, lines 64-67, col.7, lines 1-3, 6-25); and
- b. Wirelessly communicate the select data based on the step of discriminating (col.3, lines 63-67, col.4, lines 1-7, col.9, lines 14-20, 56-60).

11. As per claim 16, McCormick taught the invention as claimed in claim 15. McCormick further taught that the step of discriminating: is performed via an interface at a client device intended to receive the wireless communication from a server (col.7, lines 26-54, col.9, lines 14-20, 56-60), comprises the step of distinguishing between data types, and is controllable by the client device via the interface (col.4, lines 12-27, 30-32, col.6, lines 64-67, col.7, lines 1-3, 6-25; fig.2).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Frame, US 6,982,702, in view of Official Notice.

14. As per claim 12, Frame taught the invention substantially as claimed in claim 11. Frame further taught that the limiter is a data decompressor (col.7, lines 10-26). Frame did not specifically teach that the limiter is selected from the group consisting of: data filter, data compressor, data translator, selector of data to be communicated wirelessly from the server to the client, selector of data to be communicated wirelessly from the client to the server, controller of the server to limit data communicated wirelessly from the server to the client, controller of the client to limit data communicated wirelessly from the client to the server, and discriminator of data, data types, data packet size, data quantity, data packet header, data packet identifier, or data packet content. Official Notice is taken that the limitations narrowed by this claim is considered obvious and furthermore a matter of design choice, since applicants have not disclosed that the claimed limitations solve any stated problem or are for any particular purpose and it appears that the invention would perform equally well without these claimed features. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to

Art Unit: 2154

efficiently utilize all claimed means hereto as a data limiter to perform desired manipulation of data.

15. Claims 1-3, 5-6 and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abrol, US 6,654,360, in view of Peng, US 2001/0042099, and Khanna et al (Khanna), US 6,609,151.

16. Abrol was cited in the previous office action.

17. As per claim 1, Abrol taught the invention substantially as claimed including a wireless communications network, comprising:

- a. A wired packetized data network (col.5, lines 2-5; packet data network 118);
- b. A wireless packetized data channel (col.4, line 67, col.5, lines 1-5; wireless communication channel 122);
- c. An e-mail server communicatively connected to the wired network and the wireless channel (col.2, lines 11-16);
- d. A client device communicatively connected to the wireless channel (fig. 1, col.5, lines 11-16);
- e. An e-mail application operable at the client device (col.3, lines 19-33, col.9, lines 59-62); and
- f. An interface communicatively connected to the e-mail server and the client device (416), wherein the interface optimizes wireless channel communications between

the e-mail server and the client device in communication of an e-mail message, by reducing a number of receipt acknowledgement communications between the e-mail server and the client device over the wireless channel, and yet receipt is assured of the entirety of the e-mail message so communicated.

18. Abrol did not specifically teach that the interface optimizes wireless channel communications between the e-mail server and the client device in communication of an e-mail message, by reducing a number of receipt acknowledgement communications between the e-mail server and the client device over the wireless channel, and yet receipt is assured of the entirety of the e-mail message so communicated. Peng taught an interface communicatively connected to the e-mail server and the client device for optimizing wireless channel communications between the e-mail server and the client device in communication of an e-mail message (pp. 0004, 0007, 0009-0011, 0021, 0029, 0040). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Abrol and Peng because Peng's teachings of optimizing communications enables Abrol's wireless network to effectively utilize bandwidth and provide better traffic control (see Peng, pp. 0007-0008). Abrol and Peng did not specifically teach to optimize by reducing a number of receipt acknowledgement communications between the e-mail server and the client device over the wireless channel, and yet receipt is assured of the entirety of the e-mail message so communicated. Khanna taught to reduce the number of receipt acknowledgement communications between devices and yet receipt is assured of the entirety of the packet communicated to optimize communication speed (col.6, lines 31-48). It would have been obvious to one of ordinary skill in the art at the time the

Art Unit: 2154

invention was made to combine the teachings of Abrol, Peng and Khanna because Khanna's teaching of reducing the number or frequency of receipt acknowledgements increase the speed for Abrol and Peng's wireless network to communicate between the computers and minimize delays (see Khanna, col.6, lines 31-48).

19. As per claim 2, Abrol, Peng and Khanna taught the invention substantially as claimed in claim 1. Abrol further taught that the e-mail application is an e-mail client software residing on the client device and complying with standard e-mail messenger operation (col.3, lines 19-33, col.9, lines 59-62).

20. As per claim 3, Abrol, Peng and Khanna taught the invention substantially as claimed in claim 2. Abrol further taught that the e-mail server and the client device communicate over the wireless channel via IP network protocols (col.1, lines 63-67, col.2, lines 1-16, col.4, lines 65-67, col.5, lines 1-22).

21. As per claim 5, Abrol, Peng and Khanna taught the invention substantially as claimed in claim 1. Abrol further taught that the wired network comprising the Internet (col.5, lines 11-22).

22. As per claim 6, Abrol, Peng and Khanna taught the invention substantially as claimed in claim 1. Abrol further taught that the wireless channel is cellular (col.6, lines 34-45).

Art Unit: 2154

23. As per claim 8, Abrol taught the invention substantially as claimed including a method of wireless communications, comprising the steps of:

- a. Sending an e-mail message by a first wireless communication device over a wireless network (col.5, lines 11-22, col.6, lines 43-49, 60-67, col.9, lines 55-62, col.10, lines 12-15);
- b. Receiving substantially all of the message by a second wireless communication device (col.10, lines 30-44);
- c. Optimizing a bandwidth of the wireless network required for the steps of sending and receiving; and
- d. Wherein the step of optimizing comprises the step of reducing a number of receipt acknowledgement communications between the second wireless communications device and the first wireless communication device over the wireless network.

24. Abrol did not specifically teach to optimize a bandwidth of the wireless network required for the steps of sending and receiving, by reducing a number of receipt acknowledgement communications between the first and second wireless communications devices over the wireless channel. Peng taught an interface communicatively connected to the e-mail server and the client device for optimizing bandwidth of wireless channel communications between the e-mail server and the client device in communication of an e-mail message (pp. 0004, 0006-0007, 0009-0011, 0021, 0029, 0040). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Abrol and Peng because Peng's teachings of optimizing communications enables Abrol's wireless network to

Art Unit: 2154

effectively utilize bandwidth and provide better traffic control (see Peng, pp. 0007-0008). Abrol and Peng did not specifically teach to optimize by reducing a number of receipt acknowledgement communications between the second and first wireless communications devices over the wireless channel. Khanna taught to reduce the number of receipt acknowledgement communications between devices to optimize communication speed (col.6, lines 31-48). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Abrol, Peng and Khanna because Khanna's teaching of reducing the number or frequency of receipt acknowledgements increase the speed for Abrol and Peng's wireless network to communicate between the computers and minimize delays (see Khanna, col.6, lines 31-48).

25. As per claim 9, Abrol, Peng and Khanna taught the invention substantially as claimed in claim 8. Abrol further taught that the steps of sending and receiving are performed via Internet Protocol (col.1, lines 63-67, col.2, lines 1-16, col.4, lines 65-67, col.5, lines 1-22).

Response to Arguments

26. Applicant's arguments with respect to claims 1-3, 5-6, 8-9, 11-12 and 15-16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2154

Haggard Ljungqvist, US 2002/0080806.

Loughran et al, US 6,570,848.

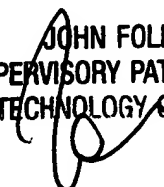
28. A shortened statutory period for reply to this Office action is set to expire **THREE MONTHS** from the mailing date of this action.

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenny Lin whose telephone number is (571) 272-3968. The examiner can normally be reached on 8 AM to 5 PM Tue.-Fri. and every other Monday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksl
January 3, 2006


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